FD-350 (Rev. 5-8-81)

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FBI tapes will star in Roti, Marcy trial

By Matt O'Connor

Ald. Fred Roti allegedly pointed toward the ceiling and a telephone in Counselors Row restaurant, suggesting to attorney Robert Cooley that Roti was suspicious about government eavesdropping.

The two walked over to Roti's City Hall office, Cooley testified in a trial last year, and the alderman closed the blinds.

"What have you got, four?" Roti is heard asking on a tape previously played in federal court. According to Cooley, he then handed Roti $4,000 in cash, the last of three payoffs totaling $10,000 for the alderman's help in fixing a civil court case. It was July 10, 1989.

The next day, a busboy stumbled onto a concealed FBI video camera trained on "Booth One," the corner table at Counselors Row favored by Roti and other influential politicians.

But what Roti didn't realize was that Cooley, his trusted friend, was a wired government operative who had taped their furtive City Hall meeting and numerous other conversations over 3½ years.

Cooley's dramatic testimony and the tape recording were first revealed in State Sen. John D'Arco Jr.'s bribery trial last year. Cooley and his tapes will again take center stage as the most important trial yet in the government's Operation Gambat probe begins Monday, with Roti and 1st Ward powerbroker Pat Marcy facing racketeering charges shocking even by Chicago standards.

While Operation Greylord, the undercover investigation of Cook County courts, resulted in convictions of 15 judges in the 1980s, no other trial in recent memory has had such serious, wide-ranging charges of official corruption.

Marcy, alleged to be the mob conduit to City Hall and the courts, alone is accused of fixing two infamous bench trials: the 1977 acquittal of Harry Aleman, the mob's reputed chief hitman, in the murder of a Teamsters Union official; and the 1986 acquittal of weightlifter Michael Colella in the brutal beating of a woman Chicago police officer.

In addition, both Marcy and Roti are charged with fixing a Chinatown murder trial in 1981 and taking bribes in 1989 to push a routine zoning change through the City Council and to fix a civil case in the prestigious Chancery Court.

Marcy also faces a charge of buying an associate judgeship for a lawyer in 1989.

"There's no end to what they could do," Robert Fuesel, executive director of the Chicago Crime Commission, said Friday, a day after the jury was chosen. "That again shows the power of the mob."

Both defendants deny all charges.

Roti, 72, who decided not to seek re-election after his indictment two years ago, is the much better known of the two defendants as a result of 22 years on the City Council. But Marcy, despite his nebulous title as secretary of the 1st Ward Regular Democratic Organization, wielded the real power behind closed doors, according to Cooley, an admittedly corrupt lawyer for nearly two decades before he went undercover in 1986.

In the D'Arco trial, Cooley identified Marcy as the man to see if you wanted to run for political office in Cook County, get a top job with the Chicago police or sheriff's office, buy a judgeship or fix a court case.

In 1983, former FBI agent William Roemer Jr., testifying before a U.S. Senate subcommittee, identified Marcy as an actual "made" member of the mob who had been ordered to infiltrate Chicago politics.

Defense lawyers are expected to scoff at this portrayal of Marcy, 79, as fiction and argue that he is nothing more dastardly than a veteran insider of rough-and-tumble Chicago politics and a successful, millionaire businessman.

The lawyers will bitterly attack Cooley's credibility, particularly his claim that Marcy fixed two murder trials and one attempted murder trial.

All three of those incidents took place before Cooley began cooperating, so the government doesn't have strong taped evidence to corroborate Cooley.

However, two other juries believed Cooley enough to convict D'Arco and former Chancery Judge David Shields in separate bribery trials.

(Indicate page, name of newspaper, city and state.) SEC 1, PG 1&1
CHICAGO TRIBUNE
CHICAGO, ILLINOIS
Date: 12/14/92
Edition: SPORTS FINAL

Title: FBI TAPES WILL STAR IN ROTI, MARCY TRIAL

Character:
or
Classification:
Submitting Office: CHICAGO

Indexing:

281A-CG-89257 Sub G-306
~~183B-CG-2181 Sub G~~

SEARCHED ____ INDEXED ____
SERIALIZED ____ FILED ____

DEC 14 1992

FBI - CHICAGO

ISIS ENTRY
TO BE ENTERED YES ✓ NO ____
RECD ____ RETD ____
ANALYST ____

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b7C

Here's a look at each of the charges:

■ Cooley came forward to cooperate a few weeks after he says he was "forced" by Marcy to fix the Colella trial.

Colella was accused of savagely beating police Officer Cathy Touhy after she stopped him for a traffic violation on New Year's Eve 1984.

Before the trial began, Cooley claims Marcy told him the case had been taken care of, a government filing said.

At the trial, Cooley, Colella's lawyer, offered a novel defense: that Colella, even though he had confessed, didn't remember what happened because a "strange fellow" in a nightclub apparently poured an unknown drug into Colella's drink.

Without explanation, Criminal Court Judge Lawrence Passarella found Colella not guilty, sparking an outcry that led to his being voted from the bench. Passarella has never been charged with wrongdoing.

■ Aleman was acquitted in 1977 of killing a Teamsters steward in front of his West Side home even though a neighbor walking his dog identified Aleman as the gunman.

Cooley has testified that he personally gave bribes totaling $10,000 to Judge Frank Wilson to fix the Aleman trial.

Years later, after Cooley began cooperating, he traveled to Arizona in an attempt to get the retired judge to implicate himself, but Wilson denied knowledge, testimony indicated. Wilson later killed himself.

■ Cooley alleges that Roti recruited him to fix the trial of three New York gang members charged in the murder of a rival in Chicago's Chinatown, part of the 1st Ward. Despite what Cooley has characterized as the damaging admission at trial of the victim's deathbed identification of one of the defendants, Criminal Court Judge Thomas Maloney acquitted all three. Maloney is awaiting trial on charges of taking a bribe to fix the murder case; he has pleaded innocent.

Cooley has testified that he pocketed $25,000 for his efforts and gave about $72,500 in cash to Marcy and Roti in 1981 from officials of a Chinese businessmen's group in order to fix the case.

■ Marcy is accused of obtaining an associate judgeship on behalf of attorney Bernard Spak after Spak's brother, Theodore, promised Marcy a bribe, according to a government filing.

Marcy enlisted the help of then-Chancery Judge Pasquale Sorrentino, chairman of the selection committee who actively lobbied other judges to support Spak, and Judge James Zafiratos, the filing said.

Much of the evidence comes from wiretapped telephone conversations Marcy had from Counselors Row.

Spak won support of a majority of the court system's full circuit judges to fill a vacant associate judgeship in August 1989, but he was voted off the bench after the investigation into his election became public. Judge Zafiratos is assigned to the Maywood branch court; neither has been charged with wrongdoing.

■ Marcy and Roti are charged with extorting $7,500 from Cooley for Roti's support for a proposed zoning change at 400 N. Racine Ave.

The owners of the property and their lawyer, Cooley's brother, William, legitimately sought the zoning change through Roti, their alderman, but he referred them to Cooley, according to the indictment.

Cooley, contacted by his brother, allegedly arranged the bribe.

■ Marcy and Roti are charged with fixing a civil case, a purported business dispute secretly filed by the FBI in Chancery Court to ferret out corruption.

The government will allege that, at Cooley's request, Roti went to the chambers of Judge Sorrentino and asked him to relay a message to stall the case to then-Chancery Court Judge Anthony Scotillo.

Cooley said he paid $10,000 to Roti and Marcy and was told the two judges allegedly were to split $2,500 for their help. Sorrentino and Scotillo are no longer judges; neither has been charged with wrongdoing.

FD-350 (Rev. 5-8-81)

(Indicate page, name of newspaper, city and state.) PG 1, SEC 2

CHICAGO TRIBUNE
CHICAGO, ILLINOIS

Date: 12/24/92
Edition: SPORTS FINAL

Title: ROTI TOLD HE'LL STAND TRIAL ALONE

Character:
or
Classification:
Submitting Office: CHICAGO

Indexing:

(Mount Clipping in Space Below)

Roti told he'll stand trial alone

By Matt O'Connor

After a federal judge ordered former Ald. Fred Roti to continue on trial, a jury on Wednesday heard a virtual primer, via secretly recorded tapes, of how prosecutors contend politics really worked in the city's notorious 1st Ward.

Longtime corrupt lawyer Robert Cooley testified that Roti demanded a $7,500 bribe 3½ years ago to grease a legitimate zoning change through City Council so that a two-story building could be constructed north of Greektown.

"Tell me what the procedure is now," Cooley, a wired government mole, is heard on tape asking Roti as the two sat alone at the so-called 1st Ward table in the Counsellors Row restaurant on June 5, 1989.

Roti slid Cooley's notebook over to his side of the table, wrote "75" in the corner of the open page and "underlined it," Cooley testified. "Then he pushed the notebook back toward me."

"Hmm. OK," a transcript quotes Cooley as saying.

"You know what I'm talking about?" Roti asked.

"Yeah, little ones, not big ones," joked Cooley, apparently referring to the denominations of the bills.

"Nooooo," said Roti, laughing.

"OK," Cooley said.

"Seventy-five hundred," said Roti, making sure Cooley understood.

"Hmm?" Cooley said.

"Seventy-five hundred," Roti repeated.

Later, after others joined them at the table, Cooley testified that he asked Roti to step to the back of the restaurant and handed him an initial $500 payoff.

"Let me give you 500 now so you got some lunch money in your pocket," the transcript quoted Cooley as telling Roti.

Federal prosecutors also submitted into evidence the notebook page purporting to show Roti's scribbled "75."

The testimony came Wednesday after U.S. District Judge Marvin Aspen, as expected, ordered a mistrial for Roti's co-defendant Pat Marcy, 79, a 1st Ward power broker, who had a mild heart attack last week.

But Aspen rebuffed efforts by Roti's lawyers to get a new jury picked for him. The lawyers contended that the jury had been biased by hearing damaging testimony about two notorious court fixes that only Marcy—and not Roti—is charged with.

But prosecutors successfully argued that the evidence is admissible against Roti to try to prove that he engaged in a pattern of racketeering activity with Marcy since 1977.

Cooley testified Wednesday that his brother, William, also an attorney, had gone to Roti with a legitimate request to rezone a vacant lot at 400 N. Racine Ave. to allow construction of a commercial-residential development.

Roti told the brother to have Robert Cooley, a close friend, call him, prosecutors have indicated. Roti did not know that Robert Cooley had been working undercover for the government for more than three years at that point.

A wired Cooley approached Roti on his brother's behalf at Counsellors Row and asked if there would be "a problem" with the zoning request.

"Is there anything in it?" Roti responded on a tape played in court.

"What did you understand him to mean?" First Assistant U.S. Atty. Thomas Durkin, prosecuting the case, asked Cooley.

"How much money I could get for him," Cooley said.

After the initial $500 payoff to Roti, Cooley said he gave $3,500 cash to Marcy on June 8, 1989, and another $3,500 to Roti a week later, both times also in the back of Counsellors Row, a former hangout across from City Hall.

"Let me give you the rest of this," a transcript quoted Cooley as telling Roti that day. "Did you talk to Pat?"

"Yeah," Roti said.

"OK, 'cause I gave Pat 35," Cooley said.

The transcript then said Cooley counted money aloud.

"Here, check it," Cooley said, "those are 50s. There should be 15."

Cooley continued to count money, according to the transcript.

"Seventeen, eighteen, nineteen, here's two thousand more," Cooley said. "That should be the whole thing then. When I talked to Pat, Pat said that if we need, if we need what do you call it, permits or something else, this covers everything."

"Oh, I'll help him," Roti replied.

ISIS ENTRY
TO BE ENTERED YES ✓ NO ____
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ANALYST mer

281A-CG-89257 Sub G-315

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JAN 06 1993
FBI — CHICAGO

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FD-350 (Rev. 5-8-81)

(Mount Clipping in Space Below)

Napkin dropped in lap of Roti defense

By George Papajohn

The corruption case against former Ald. Fred Roti has been built around digital audio tapes created through high-tech surveillance. On Thursday, though, the government relied in part on the faded scribblings on a napkin to try to convince a jury that Roti took a bribe on June 28, 1989.

On that day, the recording device worn by Robert Cooley, the corrupt lawyer turned government informant, didn't work properly as he met with Roti, according to the federal prosecutors.

Cooley told the jury in the courtroom of U.S. District Judge Marvin Aspen that he met with Roti in Counsellors Row restaurant in the Loop to pay him for helping delay a matter in Cook County Chancery Court. Partial payment of the bribe was made, Cooley said, literally under the table.

The napkin, in effect, was the government's receipt for the transaction. The napkin, now laminated, was entered as evidence, with the label "Roti Napkin." An enlarged photo copy—"Government Exhibit Roti Napkin Enlarged"—was shown to the jury too.

On the napkin, Cooley said, Roti scribbled a figure, "2,500," to be paid to the two judges involved in delaying the case. Roti, then alderman of the 1st Ward, and Pat Marcy, a 1st Ward power broker, would receive $7,500, as indicated by the "7,500" written on the napkin, according to Cooley.

The $10,000 would go to Roti to distribute, according to Cooley's testimony.

Cooley said he told Roti he had $2,500 with him. When Roti asked if he had it in an envelope, he said he didn't, Cooley said.

Roti, Cooley said, put his hands under the table to get the money.

The rest of the money was paid during two other visits with Roti, Cooley said. Both those meetings were taped, according to the government.

Cooley testified that on July 7, also at Counsellors Row, across the street from City Hall, he gave Roti $3,500.

On the tape, Roti said, "What have you got here, 35?"

Before making the final payment on July 10, Cooley said, Roti expressed concern that Counsellors Row may have listening devices and Roti warned Cooley not to use a restaurant phone to call him. The two then walked to City Hall, past Cooley's car, with an FBI agent sitting in the front seat.

"I know you're careful," Roti said as they walked to City Hall.

"Pardon?" said Cooley.

"I say I know you're careful."

"You gotta be," said Cooley.

Whenever he was in public buildings, Cooley said, he was in fact very careful—he didn't want to walk through any metal detectors because of the recording unit he wore in the small of his back, inside his underwear. Cooley said he followed Roti to an office that wasn't Roti's.

In the office, Roti closed the blinds and told Cooley to close the door, Cooley said. Then, Cooley said, he made the final installment—$4,000—on the bribe.

"What have you got, four?" Roti asked.

"Four," Cooley said before counting out the money. "That's the end of it."

Within the next couple of days, Cooley said, he learned through a TV news report that the owners of Counsellors Row had found a video camera in one of the booths, believed to have been a government monitoring device. But the next time Cooley saw Roti and other 1st Ward figures, he said, they did not treat him with suspicion.

The case allegedly manipulated by Roti and Marcy with the $10,000 from Cooley was one manufactured by the government as part of its investigation of 1st Ward corruption.

According to Cooley, the fix involved two Cook County judges, Pasquale Sorrentino, then presiding judge of the Law Division, and then-Chancery Judge Anthony Scotillo.

Neither man has been charged and both have denied wrongdoing. Sorrentino was voted off the bench and Scotillo is retired.

Marcy and Roti had been on trial together, but Judge Aspen on Wednesday declared a mistrial for Marcy, who had a mild heart attack last week.

Cooley testified Thursday that on June 27, 1989, he approached Marcy about trying to get a delay in a case he had before Scotillo.

When Roti joined the two at Counsellors Row, he eagerly volunteered to help out, according to the tapes. "Hey, why don't I do this, Pat?" he said on the tape. "Hold it, hold it. Why don't I go see, call our friend. . . ."

Cooley said this meant that Roti would talk to Sorrentino, which he said Roti did almost immediately. When he returned, Cooley said, Roti indicated that Sorrentino had then quickly contacted Scotillo.

(Indicate page, name of newspaper, city and state.) PG 1, SEC 3

CHICAGO TRIBUNE
CHICAGO, ILLINOIS

Date: 12/25/92
Edition: CHICAGOLAND

Title: NAPKIN DROPPED IN LAP OF ROTI DEFENSE

Character:
or
Classification:
Submitting Office: CHICAGO

Indexing:

ISIS ENTRY

TO BE ENTERED YES ✓ NO ____

RECD ____ RETD ____

ANALYST mer

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JAN 06 1993

FBI — CHICAGO

On the tape, Roti said: "He walked over there in person. He gave him a piece of paper."

Cooley also testified about a conversation he had with Scotillo in August of 1989 when he enountered him on a street in the Loop.

The judge indicated that he and Sorrentino were not paid by Roti and Marcy for their favor on Cooley's case in chancery.

"That's terrible. . . .," Cooley said.

". . . You know how they are," Scotillo replied.

Scotillo, Cooley said, joked about how he had feigned anger at Cooley during one hearing.

"Oh, that was just an act," Scotillo said on the tape.

FD-350 (Rev. 5-8-81)

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Bench Press . . .

Dateline: Duluth Federal Prison—Former Judge **David Shields,** who was convicted in the Operation Gambat investigation, has become a verrry popular fella in prison. The affable Shields, who always had a kind word, lost 40 pounds, is head of the prison Toastmasters and NAACP chapters and served a stint as the "official prison greeter." Shields, who entered prison last summer, has more than a year to serve. And not only does he work with inmates who have psychological problems, he also probably will become a sports or literary agent when he gets out.

David Shields

(Indicate page, name of newspaper, city and state.) PAGE 2

SUN-TIMES
CHICAGO, IL
Date: 12/25/92
Edition: LATE SPORTS FINAL

Title: BENCH PRESS...

Character:
or
Classification:
Submitting Office: CHICAGO

Indexing:

ISIS ENTRY
TO BE ENTERED YES ✓
RECD ____ NO ____
ANALYST ____ RETD ____

281A-C6-89257 Sub6 - 317

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JAN 06 1993
FBI — CHICAGO

FBI/DOJ

D-350 (Rev. 5-8-81)

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(Indicate page, name of newspaper, city and state.)
PAGE 12
SUN-TIMES
CHICAGO, IL
Date: 12/25/92
Edition: LATE SPORTS FINAL

Title: ROTI'S BRIBERY MATH ON NAPKIN, COOLEY TESTIFIES
Character:
or
Classification:
Submitting Office: CHICAGO

Indexing:

Roti's Bribery Math on Napkin, Cooley Testifies

By Rosalind Rossi
Federal Building Reporter

Operation Gambat mole Robert Cooley testified Thursday that former 1st Ward Ald. Fred Roti used a paper napkin to write out the arithmetic of a bribe, then put his hands under a table to accept the first payment.

Cooley pointed to a Counsellors Row restaurant napkin, sealed in a plastic evidence bag, that he said carried Roti's calculations for the $10,000 fix of a civil court case pending before then-Chancery Court Judge Anthony Scotillo.

Testifying in the second week of Roti's corruption trial, Cooley said the napkin showed Roti had written "7500" as the total bribe requested for Roti and 1st Ward powerhouse Pat Marcy, and "2500" as the bribe needed for Scotillo and then-chief Law Division Judge Pasquale "Buck" Sorrentino.

Cooley said that during the June 29, 1989, meeting at a table toward the rear of Counsellors Row, Roti totaled the figures to "10,000," underlined that number and said, "That's what we need."

"I told him I had 2500 with me now, do you want that now," Cooley said. "He put his hands under the table and said, 'OK.' I counted out the money and said, 'Here's the 2,500.' "

Cooley said he did not realize until later that the undercover tape recorder he wore wasn't working during the meeting. But he said he crumpled up the napkin, put it in his pocket and later gave it to an FBI agent.

First Assistant U.S. Attorney Thomas Durkin and co-prosecutors Michael Shepard and Kathleen Murdock on Thursday played for the federal court jury tapes detailing the alleged bribe scheme—one of three fixes Roti, 72, is accused of orchestrating. Marcy, 79, was dismissed from the trial Monday after he was hospitalized for heart problems.

The tapes showed that on June 27, 1989, Marcy summoned Roti to Counsellors Row to discuss a request by Cooley that Scotillo delay a ruling on a motion to freeze $210,000 involved in the civil lawsuit. Marcy said Scotillo was "hearing a case today" but suggested, "Maybe I can get him off the bench."

After Roti arrived, the tapes showed, Roti came up with the idea that, "Hey, why don't I do this. Why don't I go see, call our friend," and Marcy responded, "Buck [Sorrentino]?"

"Yeah," Roti said, "because he can do it right there."

Marcy suggested that Sorrentino tell Scotillo to "stall it till tomorrow afternoon," the tapes showed, and Roti left for the Daley Center to relay the message to Sorrentino, Cooley said. Roti returned to report that "he [Sorrentino] walked over there [to Scotillo's courtroom] in person" to deliver the message, according to the tapes and Cooley's testimony.

Neither Scotillo nor Sorrentino, who have both since left the bench, has been charged. Through their attorneys, both have denied any wrongdoing.

Cooley said he gave Roti a second payment of $3,500 on July 7, 1989, at Counsellors Row after Roti asked him, according to tapes, "You got an envelope?" and Cooley responded, "I'm gonna give ya 3,500 more today."

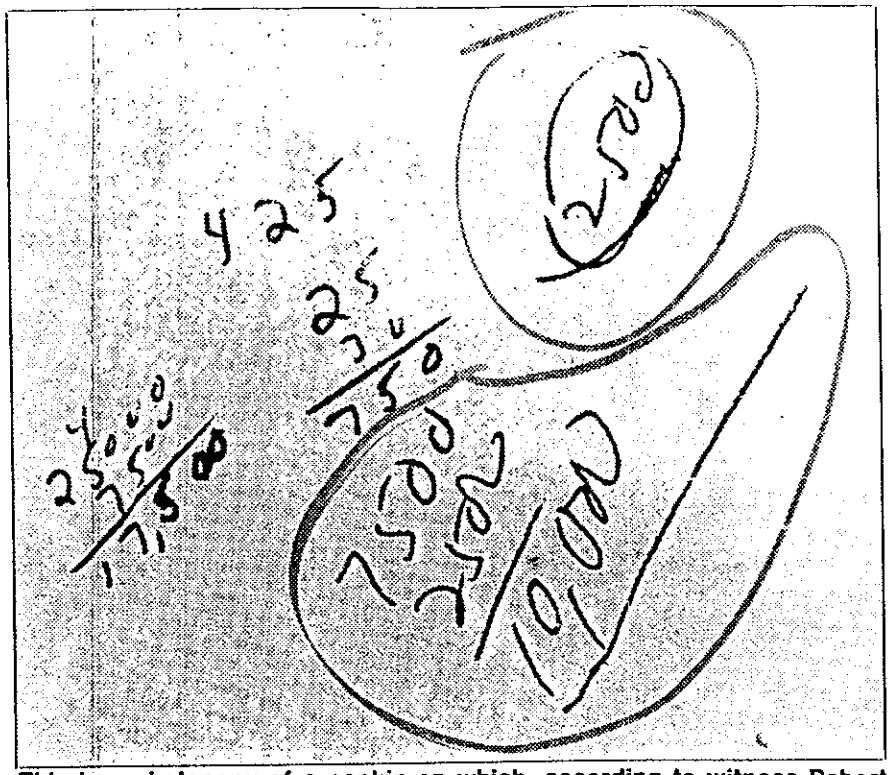
The final $4,000 payment, Cooley said, was made on July 10, 1989, shortly after an undercover camera, planted as part of the Gambat investigation, had been found in Counsellors Row. On that date, Cooley said, Roti made a circular motion in the air, indicating that all of Counsellors Row might be bugged, and ushered Cooley over to an unidentified alderman's City Hall office.

There, Cooley said, Roti instructed him to shut the door. Then Roti pulled down two sets of blinds and asked, "What have you got, four?" according to the tapes. "Four, that's the end of it," Cooley responded.

ISIS ENTRY
TO BE ENTERED YES ✓
NO
RECD ____ RETD ____
ANALYST mer

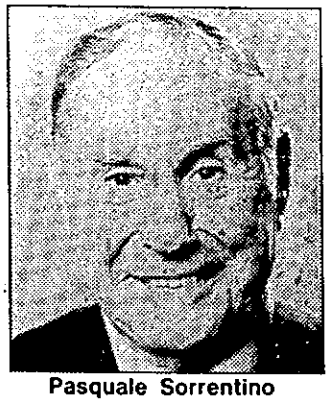
281A-CG-89257 Sub G-318
SEARCHED ____ INDEXED ____
SERIALIZED ____ FILED ____
JAN 06 1993
FBI — CHICAGO

FBI/DOJ



This is a photocopy of a napkin on which, according to witness Robert Cooley, former Ald. Fred Roti (1st) wrote out the arithmetic of a bribe. Cooley testified Thursday in Roti's trial on corruption charges.

Anthony Scotillo
'Fixed' case cited



Pasquale Sorrentino
Delivered message

-D-350 (Rev. 5-8-81)

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Gambat Witness Relates Big-Name Traffic Bribes

By Rosalind Rossi
Federal Building Reporter

Operation Gambat government witness Robert Cooley name-dropped his way through his first day of cross-examination Monday during the federal bribery trial of retired 1st Ward Ald. Fred B. Roti.

Robert Cooley

Cooley said that, while he was a Chicago police officer from 1964 to 1970, he received money from six motorists—including Edward R. Vrdolyak, who became an alderman in 1971—after he had already decided to give them a pass.

Vrdolyak, now a lawyer, said outside of court: "I wouldn't dignify that person or those comments with a response."

Cooley said "a majority or minority whip" in the Illinois House of Representatives left $10 for him in the seat of his car.

Cooley also admitted that, as a defense attorney, he gave bribes to former Judges Raymond Sodini, John McCollom, John Reynolds and John Murphy—all since convicted in the Operation Greylord probe into court corruption.

Roti's attorney, Thomas Breen, Monday questioned Cooley about his 22 years of giving and taking bribes. Cooley has accused Roti, 72, of fixing two court cases and a zoning matter. Breen has charged that Cooley was so corrupt for so long that he cannot be believed.

Although Cooley has insisted he received assurances he was not under investigation before he began working for the government, Breen implied Monday that Cooley had reasons to believe he was.

Cooley conceded, that one year before he became a government undercover informant, he was confronted by FBI agents with tapes of his conversations with reputed bookmaker Tony Carvatta. That same year, he said, he learned that a New York prosecutor had alleged in court that a judge had been bribed during a 1981 murder trial in which Cooley acted as a defense attorney.

Cooley also said he paid bribes to James LeFevour, a Traffic Court worker who cooperated in the Greylord probe. However, Cooley said he had been assured, via LeFevour's attorney, that LeFevour had never mentioned his name or the name of any other 1st Ward figure.

(Indicate page, name of newspaper, city and state.)
PAGE 11
SUN-TIMES
CHICAGO, IL
Date: 12/29/92
Edition: LATE SPORTS FINAL

Title: GAMBAT WITNESS RELATES BIG-NAME TRAFFIC BRIBES

Character:
or
Classification:
Submitting Office: CHICAGO

Indexing:

ISIS ENTRY
TO BE ENTERED YES ✓ NO ____
RECD ____ RETD ____
ANALYST Mer

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SERIALIZED ____ FILED ____
JAN 06 1993
FBI — CHICAGO

FBI/DOJ

350 (Rev. 5-8-81)

(Mount Clipping in Space Below)

Lawyer Questions Gambat Witness' Bribery Scenario

By Rosalind Rossi
Federal Building Reporter

In his last shot at key Operation Gambat witness Robert Cooley, an attorney for former 1st Ward Ald. Fred B. Roti tried Tuesday to put an innocent spin on Roti's taped conversations about two alleged fixes.

During Cooley's second and last day of cross-examination, defense attorney Thomas Breen said Roti was discussing a "legal fee" with Cooley—and not demanding a bribe—during a May, 1989, conversation about a zoning change.

"That's not the interpretation I got," said Cooley, who volunteered to work undercover for the government during the investigation of 1st Ward corruption.

Under Breen's questioning, Cooley conceded that Roti was not present a month later when 1st Ward powerhouse Pat Marcy allegedly brought up bribes during a discussion of a civil case pending before then-Chancery Court Judge Anthony Scotillo.

Marcy, 79, was dismissed from the federal bribery trial last week after being hospitalized for heart problems.

According to tapes and Cooley's testimony, Cooley, Marcy and Roti hatched a plot for Roti to tell then-Law Division Chief Judge Pasquale "Buck" Sorrentino to give Scotillo the message to "stall" the case. Both Sorrentino and Scotillo have since left the bench and have denied wrongdoing through their attorneys. They have not been charged.

Breen noted that tapes show Roti screamed across Counsellors Row restaurant for a 1st Ward worker to tell Ald. Bernard Stone (50th) that he would be late because he had to see Sorrentino. Breen implied Roti did not need to use a "hushed tone" in the restaurant because he was not part of any bribe effort.

Under later questioning by First Assistant U.S. Attorney Thomas Durkin, Cooley said Roti did not yell out his full reason for seeing Sorrentino.

Cooley said that later tapes showed Roti displayed knowledge of the "stalled" case while accepting a $3,500 payoff.

Also Tuesday, Ald. William J.P. Banks (36th), the chairman of the City Council Zoning Committee, outlined the process for obtaining a zoning change. He said the council usually follows the recommendation of the alderman in whose ward the change would occur.

Attorney Timothy Fitzgerald testified that he and Cooley's brother, attorney William Cooley, happened to be seeking a legitimate zoning change in Roti's ward in 1989 when Roti demanded to see Robert Cooley before giving his approval for the change.

Unbeknownst to Fitzgerald or William Cooley, Roti solicited payoffs from Robert Cooley on the zoning matter, Robert Cooley has testified.

(Indicate page, name of newspaper, city and state.)
PAGE 18
SUN-TIMES
CHICAGO, ILLINOIS
Date: 12/30/92
Edition: LATE SPORTS FINAL

Title: LAWYER QUESTIONS GAMBAT WITNESS' BRIBERY SCENARIO
Character:
or
Classification:
Submitting Office: CHICAGO

Indexing:

ISIS ENTRY
TO BE ENTERED YES ✓ NO
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CHICAGO TRIBUNE
CHICAGO, ILLINOIS
Date: 12/30/92
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Title: ROTI STEERED ZONING REQUEST TO CORRUPT LAWYER, COURT TOLD
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Roti steered zoning request to corrupt lawyer, court told

By Matt O'Connor

An attorney who was seeking a legitimate zoning change in 1989 testified Tuesday that former Ald. Fred Roti, on trial on bribery charges, insisted on dealing with Robert Cooley, a friend and longtime corrupt lawyer, on the matter.

Timothy Fitzgerald, who still works with Cooley's brother William in a law practice, said he went alone to Roti's City Hall office in mid-April 1989 to let him know of a zoning request in the 1st Ward.

Fitzgerald said Roti asked, "Who are you with?"

"I said, 'Cooley,'" said Fitzgerald, referring to his law partner. "Tell him to come in and talk to me," Fitzgerald said Roti told him.

"I assumed he meant Bill Cooley."

But it turned out Roti wanted to see Robert Cooley, Fitzgerald testified. When Fitzgerald returned to Roti's office with William Cooley several days later, Roti expressed surprise, Fitzgerald said.

"You're not who I thought you were," Fitzgerald quoted Roti as saying. "He wanted to talk to Bob [Cooley]."

Unbeknownst to Roti, Robert Cooley had been a wired government operative for three years at that point.

In three separate taped meetings, Robert Cooley testified, he gave a total of $7,500 in bribes to Roti and 1st Ward power broker Pat Marcy to grease his brother's legitimate zoning change through the City Council.

Cooley, who finished testifying Tuesday after six days on the witness stand over the last two weeks, said his brother did not know of his undercover work or that he fixed the zoning change.

Even though he had nothing to do with the zoning matter, Cooley said Roti wanted to deal only with him because "he knew I was corrupt."

Ald. William J.P. Banks (36th), chairman of the Council's Zoning Committee, testified Tuesday the zoning change won committee approval after Ald. Bernard Stone (50th) indicated Roti supported the project.

In addition to the alleged zoning fix, Roti is also on trial on charges he fixed a 1981 Chinatown murder trial and a 1989 civil court case secretly filed by the FBI. Marcy had been on trial with Roti until he suffered a mild heart attack earlier this month.

Cooley, the government's star witness, denied defense assertions that he began cooperating with the government in large part because of fear he was under investigation in the Operation Greylord probe of court corruption.

Attorney Charles Sklarsky, a former federal prosecutor, confirmed Cooley was not under investigation in the Greylord probe.

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Roti, Marcy described as 'best fixers'

By Matt O'Connor

A federal prosecutor charged that former Ald. Fred Roti and 1st Ward power broker Pat Marcy secretly dealt in "a hidden world of corruption, payoffs and extortion," fixing "anything as long as they knew you and the price was right."

On the first day of the long-awaited racketeering trial, the government alleged Monday that Marcy twice hid in a janitor's closet in the Counsellors Row restaurant to pay off a corrupt lawyer for helping fix two bench trials—one for a murder—nine years apart.

Assistant U.S. Atty. Kathleen Murdock, in opening remarks, told jurors that Roti "stuffed" $35,000 cash in his pockets in one of two payoffs made in his City Hall office and took another $2,500 cash bribe literally under a table in the crowded Counsellors Row in 1989.

"They were the best fixers money could buy," Murdock said of Marcy, 79, still secretary of the 1st Ward Regular Democratic Organization, and Roti, 72, a 22-year City Council veteran who retired after his 1990 indictment.

The most serious allegations against Marcy, alleged to be the mob conduit to City Hall and the courts, involve fixing the 1977 acquittal of Harry Aleman, the mob's reputed chief hit man, in the murder of a Teamsters official and the 1986 acquittal of weightlifter Michael Colella in the brutal beating of a female police officer.

Roti and Marcy also are charged with fixing a Chinatown murder trial in 1981 and taking bribes in 1989 to push a routine zoning change through the City Council and fix a civil case in the prestigious Chancery Court.

Marcy is also accused of buying a judgeship in 1989 in return for an undisclosed bribe.

The seven-woman, five-man jury will hear secretly recorded tapes of the three alleged 1989 fixes as a result of wiretaps on phones in Counsellors Row and the undercover work of Robert Cooley, a self-confessed corrupt lawyer who wore a hidden microphone during 3½ years of undercover work for the government.

The three earlier alleged fixes also involve Cooley, a longtime friend of Marcy and Roti, but those incidents occurred before he began wearing a wire.

Murdock called Cooley "corrupt as they come" but said "the one thing" Roti and Marcy "couldn't fix was a tape recorder."

Defense lawyers Edward Genson and Thomas Breen are expected to launch a blistering attack on Cooley's credibility in their opening statements Tuesday.

In the crowded courtroom of U.S. District Judge Marvin Aspen, Murdock alleged that John D'Arco Sr., the 1st Ward's longtime committeeman, participated in discussions about fixing the Aleman trial.

After Criminal Court Judge Frank Wilson acquitted Aleman despite identification by two witnesses, Marcy handed Cooley two envelopes in the janitor's closet in a hallway outside the Counsellors Row dining room, Murdock said. One contained $3,000 cash for Cooley for arranging the fix and the second had $7,500 cash for Wilson, she said.

Cooley had previously paid Wilson an additional $2,500, Murdock alleged. Wilson is dead.

Murdock also charged that Nunzio Tisci, a top supervisor in the Cook County public defender's office, participated in discussions with Marcy and Cooley in fixing the Colella case. Murdock identified Tisci as "a close associate" of Marcy and Colella's uncle.

Tisci's attorney, Anthony Pacelli, called the allegations "erroneous and an absolute fabrication."

Cooley will testify Marcy delivered his undisclosed payoff in the same janitor's closet for work on the Colella fix, Murdock indicated.

Murdock said Marcy and Roti also wielded power over judges, another alderman and sheriff's employees. Among other disclosures:

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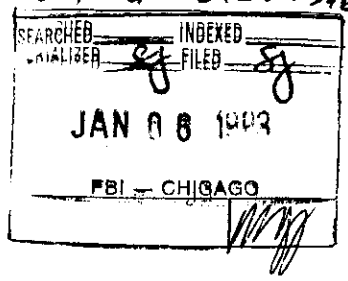

■ The government said Ald. Burton Natarus (42nd), acting on the orders of Marcy and Roti, intervened with city officials so that a nightclub in the Rush Street area got a 4 a.m. license even though it did not qualify for one. Murdock said Natarus called one official of the Department of Inspectional Services to push the license through for Eddie Rockets, 9 W. Division St.

Roti and Marcy called Natarus from a bugged phone at Counsellors Row, and tapes that will be played show Natarus talking in a "deferential tone of voice" to Marcy, Murdock said.

Natarus, who is expected to testify for the government after being promised he wouldn't be prosecuted, told authorities he helped out Marcy and Roti "because he needed the support of the 1st Ward organization," Murdock said.

■ Jurors also will hear taped evidence of 1st Ward influence over the Cook County sheriff's office, Murdock said.

Marcy called from the bugged Counsellors Row phone to tell Tom Fortas, a process server, that he wanted the operators of Gandhi Electronics evicted the next day from their West Devon Avenue building.

"Marcy said, 'Jump,' so Fortas did," Murdock said.

Fortas, in a call from Counsellors Row, enlisted the help of Bill Bruce, chief of court services for the sheriff, in the unusually quick eviction.

A spokesman for Sheriff Michael Sheahan said Bruce was dismissed the day Sheahan took office two years ago, and Fortas resigned in May 1992.

■ The government alleged that in 1989, Judge Pasquale Sorrentino, one of Cook County's most respected jurists as presiding judge of the Law Division, "ran errands and delivered messages for Marcy to fix cases."

Sorrentino relayed a message to another judge to stall a civil case secretly filed by the FBI "all because this man snaps his fingers," said Murdock, pointing to Marcy.

Sorrentino, voted off the bench in 1990, could not be reached for comment, but he has denied any wrongdoing.

■ Then-Chancery Judge Anthony Scotillo, alleged to have stalled the civil case after receiving the message through Roti and Marcy, laughed in a chance taped encounter with Cooley about feigning anger at the hearing, Murdock said.

Scotillo, now retired, denies committing any crime in his handling of the case, said his attorney, Michael Monico.

Ald. Fred Roti was a 22-year City Council veteran when he retired after his 1990 indictment.

Roti isn't laughing anymore

By Robert Davis
and Matt O'Connor

Walking swiftly into the Dirksen Federal Building in the glare of television cameras, Fred Roti had in recent weeks become the image of a wise guy in trouble after years on the take. Short and dapper, Roti smiled enigmatically and shunned reporters' questions.

It was not the same Fred Roti who had spent much of his life in the corridors of power at City Hall.

During 22 years as alderman from the notorious 1st Ward, Roti didn't duck the press—in fact, he hung around the City Hall press room, a raucous, irreverent place, on a daily basis.

He did not shrink from the open allusions to his reputation for having crime syndicate connections. He laughed openly when reporters once suggested that he use as a campaign slogan, "Vote for Roti and nobody gets hurt." When he would pretend he was angry, he would open his suit coat and point to an envelope in the chest pocket, joking that he had a "contract" on the offender.

Once, in 1971, he jokingly lamented that his token Republican opponent shunned campaign appearances.

"I wish he'd show up just once because when you disappear like that in the 1st Ward, it causes talk," he said.

But the levity ended in late 1990 when Roti was indicted on charges he took thousands of dollars in bribes to fix a Chinatown murder trial, a civil court case and a routine zoning change.

Co-defendant Pat Marcy, a longtime power broker alleged to be the 1st Ward's mob link, also was charged with fixing a mob hit man's murder trial and the trial of a weightlifter accused in the savage beating of a woman Chicago police officer.

On Friday, a federal jury convicted Roti on 11 counts of corruption, but in a decision that could reduce his prison sentence, he was cleared of the most serious allegation, the fix of the 1981 Chinatown murder trial. Marcy, 79, was too ill to continue on trial.

Roti could be sentenced to about 3½ years in prison, though federal prosecutors intend to seek the maximum, about a nine-year prison term.

Secretly recorded tapes by Robert Cooley, a longtime corrupt lawyer-turned-wired government mole, showed a darker side to Roti, his hand out to take $14,000 in bribes in little more than one month in summer 1989.

Wilson Moy, a businessman unofficially known as the mayor of Chinatown, complained to a wired Cooley in 1987 about Roti: "I found out that, with him money first. Money first. Money first."

Roti's start with the city, more than 50 years ago, was inauspicious. He shoveled asphalt before entering World War II as a machine-gunner on a boat in Europe.

On his return to Chicago, Roti became active in the Democratic Party and held a succession of mundane city and county jobs. In the 1950s, he served six years as a state senator in Springfield. But when his seat was lost to redistricting, he went to work as a city drain inspector.

He became an alderman in 1968 after years of faithful service to the infamous 1st Ward Democratic organization headed by his aldermanic predecessor, John D'Arco Sr.

Government was good to Roti. It often was said that Roti held the modern-day record for having relatives on the city payroll—17 at one time—and it often was joked that most of them were named Fred or Bruno. The B. in Fred B. Roti stands for Bruno, the name of his father, who once was tagged Bruno the Bomber for alleged criminal activities involving explosives.

For decades, Roti and the late Ald. Vito Marzullo (25th) were considered the City Council's main connection with what was referred to as the Italian-American business community.

Roti's official outside job was as an insurance salesman for a firm run by D'Arco, although no one ever recalls seeing Roti hustling a client for insurance. Business, it was said, came to him.

In recent years, his nearly constant companion was Ald. Bernard Stone (50th), a taller, portlier man, who, when walking through City Hall, made a team that was sometimes referred to as "Fred and Bernie," a paraphrase of the Fred Flintstone-Barney Rubble cartoon team.

Roti didn't testify at his trial, but Stone did on his behalf.

During City Council meetings, roll calls are taken by ward number, so Roti always answered first, and because he was an administration loyalist for the most part, his vote signaled which way the vote would eventually go.

Once, during a City Council meeting a woman alderman not known for her individuality or leg-

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islative prowess responded when her name was called, "Roti's not here, and I don't know how to vote."

It was a story often told in City Hall, and no one enjoyed hearing it more than Roti.

When the aldermen used to have an organized softball team, Roti, nicknamed "Peanuts" because of his short stature, was the manager because of his seniority.

After his indictment, Roti voluntarily gave up his aldermanic seat and did not seek re-election in 1991. He also was involved in the care of his ailing wife, Irene, who died last year after a long illness.

Still, Roti made almost daily appearances in City Hall, including his ritualistic visit to the press room to kibbitz with reporters.

Ald. Ted Mazola, the new 1st Ward alderman who shuns close connections to Roti and the 1st Ward Democratic organization, has taken over Roti's office and carries out the aldermanic role. But Roti could usually be found in Stone's office, answering telephone calls from former constituents.

During the last two weeks, Roti was philosophical about the federal trial and his ultimate fate, saying that what will happen will happen.

As late as Friday morning, Roti and Stone came through City Hall again, talking to reporters and swapping "conventional wisdom" about what a two-day jury deliberation can mean.

Friday afternoon, the jury showed what that lengthy deliberation meant and ruled that Roti was guilty.

Although Roti made a few comments, he was stoic after the verdict.

It was typical of the man known around City Hall, who has often said his motto is, "The best words are those left unsaid."

When word swept through City Hall of Roti's conviction, city workers were seen with long faces because Roti was one of those aldermen who always said hello to everybody, janitors and department heads, secretaries and street cleaners.

With Roti's conviction, 18 aldermen or former aldermen have been convicted of corruption-related charges in the last 20 years, but Roti's seemed to be a little different.

In spite of the years of joking and insinuations of heavy dealings over at the 1st Ward table in Counsellors Row restaurant, it seemed that Roti was one of those guys who wasn't going to get caught.

But, at 72, he was.

Tribune photo by Nuccio DiNuzzo

Fred Roti (center) leaves court with family members after being convicted Roti, 72, could receive a 3½-year prison term. But, he said, "At least I can get back to my grandchildren."

Roti joins aldermen's hall of shame

By Matt O'Connor

Fred Roti, the diminutive and personable former 1st Ward alderman, joined a long, legendary but dubious City Council roll call on Friday: the convicted felons

After deliberating 2½ days, a federal jury convicted Roti of taking thousands of dollars in bribes, thus becoming Chicago's 18th alderman or former alderman convicted on corruption charges in the last 20 years

Though the jury convicted him on all 11 counts of racketeering, racketeering conspiracy, bribery and extortion, Roti legitimately claimed a measure of vindication.

To convict him of racketeering, the jury had to find him guilty of two out of three fixing charges And it did, convicting him of taking $10,000 for influencing a civil court case and $7,500 to support a routine zoning change, both in 1989

But the jury cleared him of the most serious allegation. sharing in $72,500 for fixing a Chinatown murder trial in 1981.

The jury's decision could mean about five fewer years in prison for the 72-year-old Roti, the former city drain inspector who spent 22 years representing in the council.

Roti, who kept his composure during the four-week courtroom drama, reacted with relief, telling reporters in a shaky voice, "At least I can get back to my grandchildren."

He could receive a 3½-year prison term, though prosecutors indicated they will seek the maximum, about a nine-year sentence.

U.S. Atty. Fred Foreman, addressing reporters and a phalanx of cameramen in the lobby of the Dirksen Federal Building, insisted Roti's conviction was "a total victory."

"Eleven counts, 11 guilty," Foreman added "If we were a baseball player, we would be batting 1,000 — 11 of 11 "

Roti's attorneys, Thomas Breen and Marc Martin, said

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Roti

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they will appeal.

Roti's conviction marked a sweep for the government in its first three trials stemming from the undercover Operation Gambat probe of 1st Ward political and judicial corruption

The U S attorney's office, the FBI and the IRS launched the investigation in 1986, after Robert Cooley, a longtime corrupt lawyer, voluntarily agreed to work undercover, wearing a hidden recorder for 3½ years

In 1991, largely because of strong taped evidence, then-state Sen John D'Arco Jr was convicted of taking $7,500 in bribes from Cooley to introduce legislation

In a separate trial, former Judge David Shields, once head of Circuit Court's prestigious Chancery Division, was convicted of taking $6,000 to rule favorably in a court case Both were sentenced to about 3 years in prison

Roti was tried alone after co-defendant Pat Marcy, a behind-the-scenes power broker alleged to be the 1st Ward's link to the mob, suffered a mild heart attack and was unable to continue Marcy, 79, could be retried as soon as April

At Roti's trial, the government again had strong taped evidence from Cooley to support the fix of a Chancery Division case and the fix of a legitimate zoning change

Cooley's recorder, hidden in the small of his back, picked up Roti's voice accepting cash bribes on the two matters on four occasions in little more than a month's time in summer 1989

In three of the four instances, Cooley counted the money aloud as he paid off Roti, twice in the back of Counsellors Row restaurant, Roti's favorite hangout across the street from City Hall, and once in Roti's City Hall office

Once when his recorder failed Cooley said he literally handed Roti $2,500 under a table at the restaurant.

The next time the recorder worked In what prosecutors said was a reference to a bribe, Roti asked Cooley, "You got an envelope?"

The alleged fix of the trial of three New York gang members for a Chinatown murder took place in 1981, years before a wired Cooley began cooperating.

Though Cooley taped Marcy and a Chinatown businessman talking about the murder fix years later, juror Theresa Liakopoulos said after Friday's verdict that the jury wanted tapes implicating Roti

She indicated the jury was not willing to convict Roti of fixing the murder trial on mostly the word of Cooley, called "sly and treacherous" by a defense attorney in closing arguments Tuesday

"I didn't like him," Liakopoulos said of Cooley, who has admitted bribing more than 30 judges and scores of lawyers, police officers and other court personnel in nearly two decades of corruption

Prosecutors had alleged that Roti accepted a $35,000 payoff on the Chinatown murder trial fix in his City Hall office

Roti, the 9th of 10 children of Italian immigrants, started in politics at the bottom, shoveling asphalt as a city worker in 1941.

After serving in World War II in Europe, Roti returned to a succession of other mundane, low-level city and county jobs, including one post in the morgue

Active in the Democratic Party, he was slated to run for the state Senate, won and served from 1950 to 1956, when he lost his seat because of redistricting Roti returned to work for the city Water Department, inspecting drains

Roti became alderman in 1968 and served in parts of four decades, retiring in 1991 a few months after his indictment

The talkative Roti was popular with colleagues, and he skillfully schmoozed with the press He also turned patronage into a fine art, once having as many as 17 relatives on the city payroll.

The tapes made it clear, though, that Roti was Marcy's second banana.

Marcy, not Roti, is charged in the case's most sensational fixes the 1977 acquittal of reputed mob hit man Harry Aleman in a shotgun murder and the 1985 acquittal of weightlifter Michael Colella in the savage beating of a woman Chicago police officer

Marcy also was charged with buying an associate judgeship for the brother of a business colleague.

Once Marcy was out of the trial, prosecutors still were allowed to go into the Aleman and Colella fixes to try to prove that Roti was part of a racketeering enterprise, namely the 1st Ward political organization, that had the power to corrupt official decisions.

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